United Nations CRPD/C/SR.182

Convention on the Rights of Persons with Disabilities

Distr.: General
14 April 2015

Original: English

Committee on the Rights of Persons with Disabilities
Thirteenth session

Summary record of the 182nd meeting
Held at the Palais Wilson, Geneva, on Wednesday, 1 April 2015, at 3 p.m.

Chairperson: Ms. Cisternas Reyes

Contents

Consideration of reports submitted by States parties under article 35 of the Convention (*continued*)

Initial report of Turkmenistan

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 35 of the Convention (*continued*)

Initial report of Turkmenistan (CRPD/C/TKM/1; CRPD/C/TKM/Q/1 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Turkmenistan took places at the Committee table.*

2. **Mr. Akmammedov** (Turkmenistan), introducing his country's initial report (CRPD/C/TKM/1), said that, since the submission of the report, Turkmenistan had made significant progress in fulfilling its obligations under the Convention. The main focus of the radical social policy reforms launched by the President was the provision of greater support to all segments of society, including persons with disabilities. Government policy in the area of social protection provided for a certain level of material support and the necessary services for persons with disabilities, enabling them to integrate into society. Turkmen policy in that area was in line with the main principles and provisions of the Convention and included legal, economic, social and other measures. Persons with disabilities had the right to education on an equal footing with all other citizens and to free medical care and barrier-free access to housing.

3. The Social Protection Act defined State policy on social protection, particularly for the most vulnerable segments of society, including persons with disabilities. The main principle of employment policy was the provision of equal opportunities for all. There were special laws providing for the protection of those not in a position to compete on an equal footing in the labour market, including parents caring for children with disabilities. Special work positions were created for persons with disabilities, who were assigned a category of disability by a panel of medical experts. Labour legislation provided for quotas for the employment of persons with disabilities, but the necessary adaptation of working conditions did not imply any kind of segregation or stigma. Vocational training was provided for jobseekers with disabilities on the basis of medical certificates issued by the medical assessment panel. Provision was also made for health-care training for workers providing services to persons with disabilities.

4. A section of the Labour Code dealt with employment contracts for persons with disabilities. Employers could design individual programmes in line with the treatment programmes of the employee concerned and the recommendations of the medical panel. Employers could also arrange shorter working hours or a lighter workload for persons with disabilities. Employees with disabilities were entitled to 45 days of annual leave compared to the standard 30 days. In the event that redundancies were required, preference was to be given to persons with disabilities from childhood, when decisions were made as to who should remain in employment, qualifications and productivity being equal. Persons who allowed discrimination against persons with disabilities were held administratively and criminally liable.

5. As at 1 January 2015, there were 9,809 persons with disabilities in work, representing 8 per cent of the total number of persons with disabilities and 76 per cent of the number of disabled persons able to work. The employment quota had risen by 5 per cent since 2014, while State benefits had increased fivefold since 2007.

6. Primary, secondary and higher vocational education were generally provided in special facilities, but the development of inclusive education was part of the reforms under way in the education system. Such facilities were created for children whose health did not allow them to attend mainstream schools, with special teaching approaches and social adaptation, and there were facilities such as sanatoria for children who required special

treatment and rehabilitation. Children could also study at home or in treatment facilities, if necessary.

7. Under the Social Protection Act, State, regional and local authorities were obliged to ensure that persons with disabilities had access to residential and public buildings and facilities, workplaces, public transport, communications, information and cultural and sporting facilities. Accessibility for persons with disabilities was taken into account in the planning, design and construction of buildings and facilities. Housing for persons with disabilities was required to be specially equipped to meet their needs.

8. Children with disabilities had the right by law to full participation in the life of society and their parents or legal guardians received special benefits. Discrimination against children with disabilities was prohibited and subject to prosecution. Social protection for persons with disabilities was provided in the form of monetary payments and medical, social, vocational and household services. As for medical services, persons with disabilities were provided with wheelchairs, prostheses and other orthopaedic devices free of charge. Services for persons with disabilities from childhood were continually being improved.

9. **Mr. Lovászy** (Country Rapporteur) said that it was clear that much progress had been made in the State party, including remarkable economic growth and accelerated modernization of legal and social institutions. With such progress, however, came increased responsibility to guarantee the rights enshrined in the Convention. Although the country had gained its full independence almost 25 years earlier, he recognized that more time was needed to bring about all the necessary changes.

10. He welcomed the wide range of sporting activities provided by organizations of persons with disabilities in the State party but would be interested to hear more about the involvement of such organizations in other areas relevant to the Convention. He hoped that the adoption of new legislation on public organizations adopted in 2014 would eventually lead to a higher level of participation by national non-governmental organizations (NGOs) in various areas, including the State party's dialogue with the Committee.

11. While Turkmenistan was to be commended for attaching increased importance to early childhood development, attention should also be paid to the best interests of children with disabilities living in institutions, particularly children with Down syndrome or those on the autism spectrum. The Committee would welcome data on the number of persons with disabilities living in institutions, which had unfortunately not yet been provided. He would also be interested to hear about the State party's plans for the implementation of the recent concluding observations of the Committee on the Rights of the Child in relation to article 7. He requested further information on the "child-friendly schools" and other social services for families aimed at reducing institutionalization, particularly in rural areas.

12. He welcomed the improvements in inclusive education but noted with regret that, according to the State party report, there was no specific definition of inclusive education or discrimination. Despite significant improvements with regard to the employment of persons with disabilities, the Committee would like to see the concept of reasonable accommodation incorporated in national legislation. The Committee had some concerns about the notion of non-employability and the definition of "acts endangering the community" in relation to legal capacity and the right to employment. The Committee looked forward to receiving further information on the State party's plans for the establishment of the institution of the ombudsman.

Articles 1–10

13. **Ms. Kingston**, noting that the medical approach to disability continued to be used in Turkmenistan, asked the delegation to comment on efforts to revise the definition of disability and how civil society was involved in that process. Were there any interim

measures in place to address the medical approach to disability in the meantime? She asked how the Government cooperated with organizations of persons with disabilities and other voluntary organizations in the implementation of the Convention, which voluntary organizations participated in the work of the Interdepartmental Commission on compliance with Turkmenistan's obligations under human rights and international humanitarian law and what improvements could be proposed to involve voluntary organizations of persons with disabilities more closely in public processes. She also wished to know how the Government cooperated with international agencies, such as the United Nations Children's Fund (UNICEF), and how it viewed their role in facilitating the more active involvement of voluntary organizations.

14. Noting that there appeared to be a great deal of stigma surrounding disability in Turkmenistan and a lack of understanding of the social model of disability, she wondered how the State party evaluated the attitude of the general public towards persons with disabilities. Were persons with disabilities seen as equal and included in public life? She would also be interested to know what steps had been taken to introduce the Convention to the general public and whether the text of the Convention was available in alternative formats, such as Braille, and actively disseminated to persons with disabilities. The delegation should also comment on any training on the Convention provided for civil servants, medical professionals and teachers.

15. **Mr. Tatić**, noting that discrimination on the grounds of disability was prohibited by law, asked what legal remedies were available to persons with disabilities who were the victims of discrimination. Given that denial of reasonable accommodation was considered an act of discrimination, he asked whether the Government had any plans to incorporate the concept of reasonable accommodation into its domestic legislation. With regard to accessibility, he would welcome details on what monitoring mechanisms were in place to ensure that new buildings, public transport and information and communication technology were really accessible and what sanctions were imposed on those who failed to comply with accessibility standards.

16. **Ms. Degener** asked whether the State party considered segregation in education, employment and housing to be a form of discrimination. She requested information on specific measures taken to promote the equal rights of women with disabilities and on programmes for the development, advancement and empowerment of women with disabilities. She wondered whether the parents of children with disabilities had the opportunity to consult other parents of children with disabilities and social workers and what measures were in place to ensure that all children with disabilities grew up in families rather than institutions.

17. **Mr. Kim** Hyung Shik said that it was unfortunate that no statistics were available to indicate the extent of disability in the State party and wondered how the Government was able to develop disability policies without such basic data. He asked whether there was any reference in national development plans to implementation of the Convention. He would welcome further information on the full range of services and equipment, such as wheelchairs, callipers and braces, available for children with disabilities.

18. **Mr. Langvad** asked whether the relatives of persons with disabilities were protected by law from being discriminated against because of their relationship to the person with disabilities. He wondered whether the State party had identified any needs among professional staff for education and awareness-raising, especially in relation to persons with intellectual, psychosocial and mental disabilities. If so, how would those needs be addressed in future? He asked how organizations of persons with disabilities were being supported, so that they could help the Government in its efforts to eliminate social barriers that prevented persons with disabilities from participating in society on an equal footing. With regard to accessibility, he would be interested to see pictures of accessible public

transport, for example, in order to understand exactly how persons with disabilities were accommodated.

19. **Ms. Peláez Narváez** asked whether she was right to deduce, from information provided by the State party and the World Health Organization, that there were approximately 700,000 people with disabilities living in Turkmenistan. After commending the State party for enacting various pieces of legislation favouring women, she asked what measures were in place to support women with disabilities and how such women had benefited. Extrapolation from the data provided to the Committee indicated that very few women and girls with disabilities were receiving social benefits. She asked how many girls and how many boys with disabilities there were in Turkmenistan.

20. Referring to the concluding observations of the Committee on the Rights of the Child on the combined second to fourth periodic reports of Turkmenistan (CRC/C/TKM/CO/2-4), in which that body had noted that children in State institutions had limited opportunities for adoption, particularly if they had disabilities, she asked what measures the State party would take to ensure equality of opportunity for children not living in a family setting.

21. She asked how the State party planned to provide appropriate training for teachers, social workers and psychologists in regular schools that also took in students with disabilities. She expressed concern about the high level of corruption in public institutions caring for children, which further reduced the already meagre proportion of economic and human resources available for such children in Turkmenistan, and asked how the State party intended to remedy the situation.

22. **Mr. Al-Tarawneh** asked what steps the State party was taking to promote awareness of the rights of persons with disabilities through mass media campaigns and other means. He also asked whether the State party had established an action plan to ensure the accessibility of both existing and newly built facilities, and whether building codes had been brought into conformity with article 9 of the Convention. Was the concept of universal design being promoted? Was attention being paid to the accessibility of public transport?

23. He asked whether a comprehensive national disability strategy had been developed and whether such a strategy would involve civil society organizations, including those representing people with disabilities, and the national human rights institution.

24. **Mr. Buntan** asked what steps the State party took to promote the involvement of persons with disabilities and their representative organizations in the formulation of disability-related policies, legislation and programmes. Given that, according to information provided to the Committee, there were very few organizations in Turkmenistan representing people with disabilities, he wondered whether the Government promoted the development of such organizations.

25. He asked whether any internationally recognized accessibility standards had been developed, adopted or applied to meet the needs of persons with disabilities in Turkmenistan, noting that the adoption of such standards could be a quick way to achieve accessibility. He requested information about accessibility standards for information and communication technologies.

26. **Mr. Pyaneandee** said that it might have been preferable to establish a legal definition of the term "disability", identify the needs of people with disabilities in Turkmenistan and develop a national disability strategy before embarking on implementation of specific measures.

27. **Mr. Ruskus** asked why the Russian term *invalidnost*, or "invalidity", was still used in at least some of the State party's legislation, even though in most countries it was

considered discriminatory. He wondered whether the term *lyudi s nedugom*, or "people with disabilities", could be used instead.

28. **Mr. Lovászy** said that, in paragraph 73 of its replies to the list of issues, the State party had said that it was developing a strategy and programmes aimed at accelerating the realization of de facto equality for women and girls with disabilities. Paragraph 198 of the replies mentioned a project entitled "Social integration through enhancement of the leadership qualities of women with disabilities in Turkmenistan". Nevertheless, there was a lack of actual data on achievements in those areas. The delegation should comment on that. Similarly, while paragraphs 53 and 54 of the replies referred to a national programme on early childhood development, no data were provided about any practical results under the programme.

29. Paragraph 49 of the replies stated that a medical assessment panel determined whether a child with a disability could study at a given vocational training establishment and he asked whether such panels included any experts other than medical personnel. He also asked what types of social support and advocacy groups or networks were available to parents of children with disabilities, in particular those with Down syndrome.

30. **The Chairperson**, speaking in her personal capacity, asked whether the Ministry of Labour and Social Protection was working to replace the medical approach to disability that appeared to prevail in the State party's legislation by a human-rights-based approach.

The meeting was suspended at 4.15 p.m. and resumed at 4.35 p.m.

31. **Mr. Hudaynazarov** (Turkmenistan) said that the fact that his country would soon become a party to the Optional Protocol to the Convention underscored the President's commitment to upholding human rights, including the rights of persons with disabilities. In the Government's view, the definition of a person with a disability in the Social Protection Act as a person with a long-standing physical, mental, intellectual or sensory disability who was not able to participate effectively in the life of society was fully in line with the Convention. His country's basic normative legal texts relating to disability did not use the term "*invalid*" but rather "*litso s invalidnostyu*" ("person with invalidity").

32. Replying to questions about the participation by representatives of civil society in drafting legislation, he said that, once a bill had been submitted by, for example, a member of parliament, a drafting group was set up, and such drafting groups were required to include representatives of civil society.

33. Regarding discrimination against persons with disabilities and their status before the law, he said that discrimination against anyone on any grounds was prohibited under the Constitution. Article 24 of the Social Protection Act specifically referred to discrimination against persons with disabilities as an offence. Article 114 of the Criminal Code provided for a prison sentence of 2 or more years for cruel treatment of a person with a disability, if that person was in a position of dependence or in a helpless state because of the disability.

34. When fulfilling its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, his country had incorporated into its Criminal Code the international definition of the crime of torture. The torture of a person who was clearly disabled was considered an aggravating circumstance and punishable by up to 10 years' imprisonment. Infringement of the rights of a person with a disability in administrative proceedings was punishable by a fine. A person with a disability who was convicted of an offence received a lighter sentence, as disability was considered a mitigating circumstance. In short, that segment of the population enjoyed strong legal protection; his Government was protecting their rights and enhancing their quality of life.

35. **Mr. Atayev** (Turkmenistan) said that the Ministry of Health oversaw the provision to persons with disabilities of medical services, medicines and equipment. They were, for

example, provided with joint replacements free of charge. The production of orthopaedic services had increased threefold since 2009 and bioelectric-controlled prostheses had been introduced. Between 2009 and 2014, 1,700 wheelchairs had been issued and the number issued rose every year.

36. **Mr. Akmammedov** (Turkmenistan) said that, according to pension fund data, there were 121,810 persons with disabilities in Turkmenistan. His delegation would shortly provide the Committee with statistics specifically on children with disabilities. He added that all national statistics would be more accurate once the Ministry of Labour and Social Protection had engineered the transition to an internationally preferred approach to collecting and presenting statistical data.

37. **Ms. Atajanova** (Turkmenistan) said that the Government cooperated fruitfully with NGOs, including those representing persons with disabilities. The draft report on the implementation of the Convention had thus been discussed with representatives of NGOs working to further the rights of persons with disabilities. The Human Rights Department of the National Institute for Democracy and Human Rights, which reported direct to the President, regularly solicited contributions from NGOs, including those representing persons with disabilities. In March 2015, the Department had held a joint seminar with representatives of UNICEF in Turkmenistan to which representatives of all organizations representing persons with disabilities in Turkmenistan had been invited. Seminars had also been held to raise awareness of the Convention, the other human rights treaties and relevant domestic legislation among officials and the general public and a number of resource centres had been set up across the country to provide information on the instrument. No campaigns had yet been run to raise awareness of the Convention using Braille, sign language and other forms of communication. With the assistance of UNICEF, two teaching aids on the Convention had been published and disseminated, alongside related material aimed at children.

38. A highly successful child development programme had been implemented, with the aim of improving the health of mothers and children, and consideration was being given to extending it. A number of early childhood development centres had been set up to provide children, including children with disabilities and their parents, with assistance.

39. A draft national human rights programme based on the Constitution and the country's international human rights obligations contained a chapter on persons with disabilities. No separate budget had been set for the programme, as it would be implemented within the framework of existing State commitments. A mechanism would be set up to monitor its implementation.

40. As for the development of programmes to advance the rights of women with disabilities, work was under way to replace an equal opportunities law adopted in 2007 by more up-to-date legislation that would take into consideration the recommendations of the Committee on the Elimination of Discrimination against Women. A programme on gender equality was also being planned that would focus on gender mainstreaming and the health of women and girls.

41. **Mr. Akmammedov** (Turkmenistan) said that the Ministry of Labour and Social Protection had identified a number of unregistered persons with disabilities and provided them with employment and benefits. He added that the jarring Russian term "*invalid*" was never used in the Turkmen language.

42. **Ms. Atajanova** (Turkmenistan) said that, in close cooperation with UNICEF, the Government had conducted a survey of early childhood shelters housing approximately 200 children, almost half of whom were children with disabilities. Potential adoptive families had been found for many of those children.

43. **Mr. Atahanov** (Turkmenistan) said that, in 2014, a law had been adopted on social organizations, under which the State guaranteed the rights of NGOs, undertook to provide them with support and granted them exemption from value-added tax on the purchase or sale of medication, medical devices and special transportation devices for persons with disabilities. Legislation had also been adopted, and agreements signed with organizations of persons with disabilities, on the issue of employment within State bodies.

44. **Mr. Hudaynazarov** (Turkmenistan) said that a law on combating corruption had recently been adopted.

45. **Mr. Akmammedov** (Turkmenistan) said that an expert commission had been set up to deal with cases of non-compliance with international standards relating to construction projects; however, no such cases had yet arisen. As for public transport, the Government was currently testing different models of bus with a view to building up a fleet of vehicles in line with international standards.

Articles 11–20

46. **Ms. Kingston** said that she was surprised to hear that cutting-edge technology in the form of neural implants, which was not available in many developed countries, was used for prostheses in the State party.

47. She asked how the authorities ensured the protection and safety of persons with disabilities in emergency situations and natural disasters, including measures contained in national emergency protocols, particularly in relation to deaf persons. She also asked how many people were covered by the various forms of substitute decision-making — tutorship, guardianship and wardship — and how the State party guaranteed fair trials for persons with psychosocial disabilities.

48. She asked whether medical experimentation could be carried out on persons with the consent of their guardian and whether women with disabilities, including those under guardianship, could be forcibly sterilized under domestic legislation. She added that, according to the State party report, there were no legal or policy provisions on the prevention of violence against persons with disabilities, except in the Criminal Code, and she asked what was being done to protect women and girls with disabilities from violence, abuse and exploitation in the home, in the community and in institutions. How many shelters existed for victims of violence in either urban and rural areas and how many of those facilities were accessible to persons with disabilities? She also asked whether police officials were trained to work and communicate with victims of violence, including persons with disabilities, and whether there were any telephone hotlines for victims, including hotlines catering for deaf persons.

49. She requested recent data on the number of detainees with disabilities in the State party and what percentage of the entire prison population that number constituted. She also asked what steps had been taken to repeal provisions allowing for coercive treatment and the deprivation of liberty of individuals on the basis of their disabilities.

50. **Mr. Lovászy**, noting that, in the State party, sign language did not have official status, asked whether sign-language interpretation was available in the courts and whether deaf or mute persons could participate in legal procedures, particularly civil law cases, with the assistance of a sign-language interpreter. He would welcome information on protocols for safeguards applicable to the needs of deaf persons and persons with other communication disabilities. He also asked in what circumstances the notion of insanity was applicable in the courts.

51. He would be grateful for more information on "family-type children's homes", on the targets for reducing the number of persons living in institutions and on the availability

of social services (including compensation payments) for persons with disabilities. He also wondered how the transition to adult life of children with disabilities living in institutions was managed.

52. **Mr. Tatić** asked how many administrative fines had been imposed in cases of discrimination against persons with disabilities and how many persons who had committed acts of violence against persons with disabilities had been prosecuted and convicted. He also asked whether law students were taught about human rights treaties and the Convention and whether judges were trained in the implementation of the Convention and anti-discrimination provisions.

53. **Ms. Quan-Chang** asked whether the State party intended to abolish the regime under which the legal capacity of a person with disabilities under guardianship could be withdrawn, in full or in part, and to adopt a supported decision-making regime that fully recognized the legal capacity of persons with disabilities.

54. The fact that, under the Psychiatric Care Act, persons with psychosocial disabilities could be placed without their consent in institutions, and that any person with a disability could be held in solitary confinement for six months or more, was a matter of deep concern. She asked whether there were plans to repeal the Act in the light of the Convention and the comments of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and to consider banning forced placement in institutions, particularly on the basis of psychosocial disability.

55. She asked whether the State party intended to amend the provisions of the Penal Enforcement Code relating to persons with "mental disorders" in conflict with the law and to ensure that persons with disabilities in conflict with the law enjoyed due process. She also asked whether any independent authority had been set up to monitor and prevent torture and other cruel, inhuman or degrading treatment or punishment.

56. **Mr. Kim** Hyung Shik asked how many persons with disabilities were provided with electronic prostheses, where such devices were sourced, what maintenance services were provided and whether they had been assessed. In his own experience, such devices seldom worked satisfactorily.

57. **Ms. Peláez Narváez** asked whether the State party had introduced legislation to protect women from violence, particularly domestic and sexual violence, in line with the recommendations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/TKM/CO/3-4) and, if so, whether it had taken into account the protection of women and girls with disabilities. She also asked whether the State party intended to bring domestic legislation into line with the Convention by prohibiting forced sterilization, coercive abortion and other types of forced treatment imposed upon persons with disabilities.

58. **Mr. Langvad** said that he would be grateful for additional information on institutions, including the number of persons with disabilities living in them, the types of disability represented within that population and the geographical location of such institutions. He asked whether any measures were being planned to ensure that persons with disabilities could live wherever they wished and receive assistance at home.

59. **Mr. Buntan** said that the State party should take into account the Sendai Framework for Disaster Risk Reduction 2015–2030. He asked whether there were legal restrictions in the State party on the exercise by persons with disabilities of their legal capacity in daily life and, if so, what was being done to eliminate such restrictions. He also asked what was being done to promote and increase the number of legal professionals with disabilities and whether reasonable accommodation had been made in courts to enable such professionals to carry out their functions.

60. **Ms. Pavey** said that she would welcome updated information on the programme entitled "Central Asia without shocks" and asked whether it contained a public awareness element focusing on persons with disabilities. She also asked about the stigmatization and stereotyping of women and children with disabilities. Had any public campaigns been planned to tackle those issues through the promotion of positive role models?

61. **The Chairperson**, speaking in her personal capacity, asked what the term "acts endangering the community" used in the Psychiatric Care Act, meant. She wondered whether it was the equivalent of the concept of dangerousness used to facilitate the placement of persons in institutions. She asked whether security measures or treatment were immediately applied to persons with psychosocial or intellectual disabilities brought to trial and, if so, for how long. She also asked how the human rights model for persons with disabilities was applied in an intersectoral manner. Lastly, she noted that the State party had not provided any information on the elimination of the obstacles facing persons with disabilities.

The meeting rose at 6 p.m.